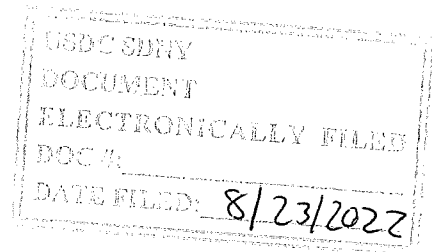


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ELITE HC GROUP LLC,
Plaintiff,

v.

APOLLO HEALTHCARE CONSULTING &
MANAGEMENT, LLC,
Defendant.
-----X**ORDER**

21 CV 10672 (VB)

On April 29, 2022, defendant moved to dismiss the complaint for lack of subject matter jurisdiction. (Doc. #32). On July 15, 2022, the Court granted plaintiff's fourth request for an extension of its deadline to oppose the motion to August 17, 2022. (Doc. #44). On August 19, 2022, after plaintiff failed to file a response to the motion by August 17, the Court sua sponte extended plaintiff's time to oppose the motion, or to advise the Court the parties had reached a settlement, to August 22, 2022. (Doc. #45).

On August 22, 2022, plaintiff filed a one-page letter stating that (i) the parties had been engaged in settlement negotiations, although no settlement had been finalized, and (ii) plaintiff anticipates discontinuing the action without prejudice and re-filing in another forum if a settlement is not reached. (Doc. #46). However, plaintiff still has not filed a response to the pending motion, nor has it advised the Court of when the Court can expect either a settlement or a voluntary dismissal.

Accordingly, by August 30, 2022, plaintiff shall either file a response to defendant's motion or advise the Court that the case has been settled. If the case has not been settled, and plaintiff does not file a response to the motion, then, consistent with its August 22 letter, plaintiff shall file a notice of voluntary dismissal without prejudice pursuant to Fed. R. Civ. P. 41(a)(1). To be clear, merely informing the Court that a settlement has not been reached will be insufficient to comply with this Order.

Dated: August 23, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti
United States District Judge